

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

UNITED STATES DEP'T OF LABOR,

Plaintiff,

v.

Case No. 8:19-mc-119-T-30AAS

MOHAN KUTTY, M.D.,

Defendant.

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ORDER

The United States moves for enter a charging order against Mohan Kutty, M.D.'s interest in Trinity Physicians, LLC. (Doc. 4).

“On application to a court of competent jurisdiction by a judgment creditor of a member or a transferee, the court may enter a charging order against the transferable interest of the member or transferee for payment of the unsatisfied amount of the judgment with interest.” Fla. Stat. § 605.0503(1). A charging order “constitutes a lien upon a judgment debtor’s transferable interest and requires the limited liability company to pay over to the judgment creditor a distribution that would otherwise be paid to the judgment debtor.” § 605.0503(1). A charging order is the sole and exclusive remedy by which a judgment creditor of a member may satisfy a judgment from the judgment debtor’s interest in an LLC. § 605.0503(3).

In August 2011, the Eastern District of Tennessee entered a judgment against Dr. Kutty, imposing \$1,044,940 in back wages and \$108,800 in penalties. (Doc. 1-1). Dr. Kutty was a managing member of Trinity Physicians, LLC, which has a pending

Chapter 7 bankruptcy in the Middle District of Florida, Case No. 8:18-bk-7323-MGW. According to the Florida Secretary of State's records, Trinity Physicians, LLC was registered and organized in the State of Florida. Thus, the court may enter a charging order directing the bankruptcy trustee to remit Dr. Kutty's interest in Trinity Physicians, LLC to the United States for application to his outstanding judgment.

The United States' motion for a charging order against Mohan Kutty, M.D.'s interest in Trinity Physicians, LLC (Doc. 4) is **GRANTED**. The court directs the bankruptcy trustee of Trinity Physicians, LLC to pay any distribution, including money or other property, which would otherwise be payable to Dr. Kutty to the United States for application toward his outstanding judgment.

ORDERED in Tampa, Florida, on April 3, 2020.

A handwritten signature in black ink, reading "Amanda Arnold Sansone". The signature is fluid and cursive, with the first name "Amanda" being the most prominent.

AMANDA ARNOLD SANSONE
United States Magistrate Judge